

ESTTA Tracking number: **ESTTA873648**

Filing date: **01/26/2018**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Rally Health, Inc.
Granted to Date of previous extension	02/07/2018
Address	3000 K Street, N.W.Suite 350 Washington, DC 20007-5109 UNITED STATES

Attorney information	Stephen D. Lott Seyfarth Shaw LLP 233 S. Wacker Drive Suite 8000 Chicago, IL 60606 UNITED STATES Email: slott@seyfarth.com, chiipdocket@seyfarth.com, tmatlanta@seyfarth.com, TTABDocket@seyfarth.com, blazar@seyfarth.com Phone: 312-460-5000
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**Applicant Information**

Application No	87464397	Publication date	10/10/2017
Opposition Filing Date	01/26/2018	Opposition Period Ends	02/07/2018
Applicant	DCFIT, LLC 1121 W Warner Road #106 Tempe, AZ 85284 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Education and entertainment services, namely, fitness training, and conducting fitness classes
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	4902473	Application Date	05/12/2014
Registration Date	02/16/2016	Foreign Priority Date	NONE
Word Mark	RALLY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 2014/08/20 First Use In Commerce: 2014/08/20 Providing an interactive web site that enables users to enter, access, track, monitor and generate health and medical information and reports Class 044. First use: First Use: 2014/08/20 First Use In Commerce: 2014/08/20 Providing health information; Internet-based health care information services; providing health information to health care providers and employers to empower their members to better understand and manage their health; providing an interactive web site for providing health and medical information and providing electronic reports regarding the overall health of consumers

U.S. Registration No.	4914505	Application Date	06/10/2014
Registration Date	03/08/2016	Foreign Priority Date	NONE

Word Mark	RALLY
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Design Mark	
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Description of Mark	The mark consists of the word "RALLY" with the "A" formed by a small inverted "V" shape within a larger inverted "V" shape.
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Goods/Services	Class 042. First use: First Use: 2014/08/20 First Use In Commerce: 2014/08/20 Providing an interactive web site featuring technology that enables users to enter, access, track, monitor and generate health and medical information and reports; Providing an interactive web site that features technology to enable users to generate electronic reports regarding the overall health of consumers Class 044. First use: First Use: 2014/08/20 First Use In Commerce: 2014/08/20 Providing health information; Internet-based health care information services; Providing health information to health care providers and employers to empower their members to better understand and manage their health; Providing an interactive web site featuring health and medical information
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U.S. Registration No.	5275329	Application Date	01/09/2017
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Registration Date	08/29/2017	Foreign Priority Date	NONE
Word Mark	RALLY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2015/07/01 First Use In Commerce: 2015/07/01 Downloadable mobile applications to enable users to enter, access, track, monitor and generate health and medical information and reports		

U.S. Registration No.	5202685	Application Date	11/24/2015
Registration Date	05/16/2017	Foreign Priority Date	NONE
Word Mark	RALLY CONNECT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2015/11/12 First Use In Commerce: 2015/11/12 Providing a website featuring technology which allows a consumer to utilize a health care cost estimator and to search for doctors</p> <p>Class 044. First use: First Use: 2015/11/12 First Use In Commerce: 2015/11/12 Health care services, namely, providing medical information regarding health care professionals, and doctors; Providing a website featuring information about health and wellness, namely, doctor information; Providing health care information by Internet and mobile application</p>		

U.S. Registration No.	5200257	Application Date	06/09/2014
Registration Date	05/09/2017	Foreign Priority Date	NONE
Word Mark	RALLY HEALTH		

Design Mark	<b>RALLY HEALTH</b>
Description of Mark	NONE
Goods/Services	<p>Class 038. First use: First Use: 2014/08/20 First Use In Commerce: 2014/08/20          Providing access to an electronic exchange of medical records across a nationwide health information network</p> <p>Class 042. First use: First Use: 2014/08/20 First Use In Commerce: 2014/08/20          Providing an interactive web site featuring technology that enables users to enter, access, track, monitor and generate health and medical information and reports; providing an interactive web site that features technology to enable users to generate electronic reports regarding the overall health of consumers</p> <p>Class 044. First use: First Use: 2014/08/20 First Use In Commerce: 2014/08/20          Providing health information; Internet-based health care information services; providing health information to health care providers and employers to empower their members to better understand and manage their health; providing an interactive web site featuring health and medical information</p>

U.S. Registration No.	5174311	Application Date	01/19/2016
Registration Date	04/04/2017	Foreign Priority Date	NONE

Word Mark	RALLY CHOICE
Design Mark	<b>RALLY CHOICE</b>
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 2015/07/21 First Use In Commerce: 2015/07/21          Providing a website featuring information in the field of health care costs</p> <p>Class 036. First use: First Use: 2015/07/21 First Use In Commerce: 2015/07/21          Providing a website featuring information in the field of health care benefit plans and health care insurance</p> <p>Class 042. First use: First Use: 2015/07/21 First Use In Commerce: 2015/07/21          Providing an interactive website featuring technology that allows users to research and enroll in health care benefit plans</p>

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RALLY and other RALLY-formative marks as protected under common law		
Goods/Services	Variety of health, wellness, and fitness-related goods and services		

Attachments	86278388#TMSN.png( bytes ) 86305428#TMSN.png( bytes ) 87293193#TMSN.png( bytes ) 86830392#TMSN.png( bytes ) 86304383#TMSN.png( bytes ) 86879150#TMSN.png( bytes ) 1.26.17 Notice of Opposition - RALLY ATHLETIC.pdf(242215 bytes ) Exhibit A.pdf(1135796 bytes )
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Signature	/Stephen D. Lott/
Name	Stephen D. Lott
Date	01/26/2018

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. 87/464,397  
Filed: May 25, 2017  
Mark: RALLY ATHLETIC  
Published in the *Official Gazette* (Trademarks) on: October 10, 2017

RALLY HEALTH, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
	)	
DCFIT, LLC	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

RALLY HEALTH, INC., a Delaware corporation with its principal place of business at 3000 K Street N.W., Suite 350, Washington D.C. 20007-5109 (hereinafter “Rally” or “Opposer”), believes that it will be damaged by the registration of the mark RALLY ATHLETIC (the “Opposed Mark”), as shown in Application Serial No. 87/464,397 (the “Application”), applied for by DCFIT, LLC, an Arizona limited liability company with an address of record at 1121 W Warner Road, #106, Tempe, Arizona 85284 (“Applicant”). Rally opposes registration on the basis of a likelihood of confusion pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d). In support of its Opposition, Rally asserts the following:

**RALLY’S WELL-KNOWN MARKS**

1. Rally is a consumer-centric digital health company that strives to make it easy for individuals to take charge of their health, and collaborates with health plans, care providers, and employers to engage consumers. Among other products and services, Rally offers digital health platforms featuring online and mobile solutions that help people manage their health, fitness, and

nutrition needs. Rally has brought its suite of products to more than 5,000 employers, and improved health care access for over 17 million members. Each day, Rally helps 90,000 individuals get the care they need, and that number is constantly increasing.

2. Rally adopted and first used the mark RALLY in connection with health, wellness, and fitness-related goods and services at least as early as 2014. Since that time, Rally has continuously used the RALLY mark, in addition to a number of RALLY-formative marks spanning multiple International Classes, including 9, 25, 35, 36, 38, 41, 42, and 44.

3. In addition, Rally is the title sponsor of the professional cycling team Rally Cycling, which uses Rally's RALLY CYCLING mark under license. The Rally Cycling team regularly competes at major cycling competitions around the world and works to raise awareness of Rally's mission to help people make better decisions about their health. To that end, the Rally Cycling team has also participated in, and helped coordinate, various health and fitness events which feature spin classes and cycling fitness challenges. Throughout its history, Rally Cycling has enjoyed tremendous success, taking more than 300 wins and 700 podiums in the past 10 years. Moreover, the team's members include WorldTour riders, Tour de France veterans, and Olympic medalists. Rally Cycling also offers a variety of sporting apparel and accessories under the RALLY CYCLING mark through its website (<https://rallycycling.com/>).

4. Rally owns the following U.S. registrations, all of which are legally and validly registered on the Principal Register of the United States Patent and Trademark Office ("USPTO") (collectively, the "Rally Registrations"):

<b>Mark</b>	<b>Reg. No.</b>	<b>Goods/Services</b>
<b>RALLY</b>	4,902,473	Providing an interactive web site that enables users to enter, access, track, monitor and generate health and medical information and reports; Providing health information; Internet-based health care information services; providing health information to

		health care providers and employers to empower their members to better understand and manage their health; providing an interactive web site for providing health and medical information and providing electronic reports regarding the overall health of consumers.
<b>RALLY</b>	4,914,505	Providing an interactive web site featuring technology that enables users to enter, access, track, monitor and generate health and medical information and reports; Providing an interactive web site that features technology to enable users to generate electronic reports regarding the overall health of consumers; Providing health information; Internet-based health care information services; Providing health information to health care providers and employers to empower their members to better understand and manage their health; Providing an interactive web site featuring health and medical information.
<b>RALLY</b>	5,275,329	Downloadable mobile applications to enable users to enter, access, track, monitor and generate health and medical information and reports
<b>RALLY CONNECT</b>	5,202,685	Providing a website featuring technology which allows a consumer to utilize a health care cost estimator and to search for doctors; Health care services, namely, providing medical information regarding health care professionals, and doctors; Providing a website featuring information about health and wellness, namely, doctor information; Providing health care information by Internet and mobile application.
<b>RALLY HEALTH</b>	5,200,257	Providing access to an electronic exchange of medical records across a nationwide health information network; Providing an interactive web site featuring technology that enables users to enter, access, track, monitor and generate health and medical information and reports; providing an interactive web site that features technology to enable users to generate electronic reports regarding the overall health of consumers; Providing health information; Internet-based health care information services; providing health



		information to health care providers and employers to empower their members to better understand and manage their health; providing an interactive web site featuring health and medical information.
<b>RALLY CHOICE</b>	5,174,311	Providing a website featuring information in the field of health care costs; Providing a website featuring information in the field of health care benefit plans and health care insurance; Providing an interactive website featuring technology that allows users to research and enroll in health care benefit plans.

Copies of the Certificates of Registration and current USPTO Trademark Status and Document Retrieval (“TSDR”) printouts are attached as Exhibit A.

5. As a result of Rally’s long-standing, nationwide, and widespread use, Rally also owns extensive common law rights in its RALLY marks in connection with a wide variety of health, wellness, and fitness-related goods and services. The marks reflected in the Rally Registrations, together with Rally’s extensive common law rights in its RALLY marks, are hereinafter referred to as the “RALLY Marks.”

6. Long prior to the filing date of the Application, Rally extensively advertised, promoted, and sold products and services under the RALLY Marks.

7. Rally has expended substantial sums of money in marketing, advertising, and promoting its RALLY Marks and, through such sales and advertising, has generated substantial goodwill and customer recognition in its RALLY Marks. The public has come to associate the RALLY Marks exclusively with Rally.

8. Rally has derived substantial revenues from the sale of its products and services under the RALLY Marks.

9. Rally’s extensive use and advertising of the RALLY Marks has resulted in consumer recognition that the RALLY Marks identify Rally as the source of high-quality products

and services focused on consumer health and well-being support. The RALLY Marks are distinctive of Rally's products and services and are well-known, and valuable goodwill has been generated in the RALLY Marks. Such goodwill was generated long before the filing date of the Application for the Opposed Mark.

#### **THE APPLICATION TO REGISTER THE OPPOSED MARK**

10. On May 25, 2017, Applicant filed its intent-to-use Application to register the Opposed Mark in connection with "Education and entertainment services, namely, fitness training, and conducting fitness classes" in International Class 41. The Application was assigned Serial No. 87/464,397.

11. Applicant's filing of the Application for the Opposed Mark in connection with these identified services is without the consent or permission of Rally.

12. On August 28, 2017, the USPTO approved the Opposed Mark for publication.

13. On September 20, 2017, the USPTO issued a Notice of Publication, and the Opposed Mark was published in the USPTO's *Official Gazette* on October 10, 2017.

14. Long before Applicant's filing of the Application for the Opposed Mark, Rally adopted, first used, and registered its RALLY Marks on or in connection with health, wellness, and fitness-related goods and services. Since then, Rally has continuously used and has not abandoned the RALLY Marks.

15. The services for which Applicant seeks registration of the Opposed Mark are closely related to the goods and services in connection with which Rally uses its RALLY Marks and for which Rally owns registrations.

#### **OPPOSITION BASED ON LIKELIHOOD OF CONSUMER CONFUSION**

16. Rally repeats and re-alleges the allegations of Paragraphs 1 through 15 above, as though fully set forth herein.

17. Rally has used the RALLY Marks in U.S. commerce prior to Applicant's filing of its intent-to-use Application to register the Opposed Mark.

18. Applicant's Opposed Mark is confusingly similar to Rally's RALLY Marks, and registration and use thereof by Applicant in connection with the services listed in the Application is likely to cause confusion, mistake, or deception that Applicant's services are those of Rally or are otherwise, endorsed, sponsored, or approved by Rally, or cause confusion, mistake, or deception as to the affiliation, connection, or association between Applicant and Rally.

19. If Applicant is permitted to use and register the Opposed Mark in connection with the services listed in the Application, confusion would be caused due to the similarity between Applicant's Opposed Mark and Rally's RALLY Marks. Consumers are likely to procure Applicant's services incorrectly believing that such services are provided by, endorsed by, or associated with Rally. That is, consumers are likely to mistakenly believe that RALLY ATHLETIC is simply another of Rally's health and fitness brands, when such is not the case.

20. Such confusion will result in irreparable damage and injury to Rally.

21. If Applicant is granted registration for the Opposed Mark as shown in Application Serial No. 87/464,397, Applicant would thereby obtain a *prima facie* exclusive right to use such mark, and such Registration would be the source of irreparable damage and injury to Rally.

22. Accordingly, the Application must be refused registration under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), as amended.

### **PRAYER FOR RELIEF**

WHEREFORE, Opposer Rally Health, Inc. prays for entry of judgment sustaining this Opposition and refusing registration of the Application.

Rally submits herewith the requisite filing fee in the amount of \$400. The Board is authorized to charge PTO Deposit Account No. 50-2291 for any additional charges or fees related to this filing.

Respectfully submitted,

SEYFARTH SHAW LLP

Dated: January 26, 2018

By: /Stephen D. Lott/  
Bart A. Lazar  
Stephen D. Lott  
Attorneys for Opposer  
Rally Health, Inc.

233 S. Wacker Drive, Suite 8000  
Chicago, IL 60606-6448  
Telephone: (312) 460-5986  
Facsimile: (312) 460-7000

# Exhibit A

**United States of America**  
United States Patent and Trademark Office

# RALLY

**Reg. No. 4,902,473**

**Registered Feb. 16, 2016**

**Int. Cls.: 42 and 44**

**SERVICE MARK**

**PRINCIPAL REGISTER**

RALLY HEALTH, INC. (DELAWARE CORPORATION)  
3000 K STREET, N.W., SUITE 350  
WASHINGTON, DC 200075109

FOR: PROVIDING AN INTERACTIVE WEB SITE THAT ENABLES USERS TO ENTER, ACCESS, TRACK, MONITOR AND GENERATE HEALTH AND MEDICAL INFORMATION AND REPORTS , IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 8-20-2014; IN COMMERCE 8-20-2014.

FOR: PROVIDING HEALTH INFORMATION; INTERNET-BASED HEALTH CARE INFORMATION SERVICES; PROVIDING HEALTH INFORMATION TO HEALTH CARE PROVIDERS AND EMPLOYERS TO EMPOWER THEIR MEMBERS TO BETTER UNDERSTAND AND MANAGE THEIR HEALTH; PROVIDING AN INTERACTIVE WEB SITE FOR PROVIDING HEALTH AND MEDICAL INFORMATION AND PROVIDING ELECTRONIC REPORTS REGARDING THE OVERALL HEALTH OF CONSUMERS, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 8-20-2014; IN COMMERCE 8-20-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86-278,388, FILED 5-12-2014.

MAYUR VAGHANI, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

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Mark: RALLY

# RALLY

US Serial Number: 86278388

Application Filing Date: May 12, 2014

US Registration Number: 4902473

Registration Date: Feb. 16, 2016

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 16, 2016

Publication Date: Oct. 07, 2014

Notice of Allowance Date: Dec. 02, 2014

## Mark Information

Mark Literal Elements: RALLY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Providing an interactive web site that enables users to enter, access, track, monitor and generate health and medical information and reports

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 20, 2014

Use in Commerce: Aug. 20, 2014

For: Providing health information; Internet-based health care information services; providing health information to health care providers and employers to empower their members to better understand and manage their health; providing an interactive web site for providing health and medical information and providing electronic reports regarding the overall health of consumers

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 20, 2014

Use in Commerce: Aug. 20, 2014

## Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** RALLY HEALTH, INC.

**Owner Address:** 3000 K Street, N.W., Suite 350  
Washington, DISTRICT OF COLUMBIA 200075109  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Joseph V. Myers III

**Attorney Primary Email Address:** [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Joseph V. Myers III  
Seyfarth Shaw LLP  
1075 Peachtree Street NE  
Suite 2500  
Atlanta, GEORGIA 30309  
UNITED STATES

**Phone:** (404) 885-6743

**Fax:** (404) 892-7056

**Correspondent e-mail:** [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com)  
[tmatlanta@seyfarth.com](mailto:tmatlanta@seyfarth.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 16, 2016	REGISTERED-PRINCIPAL REGISTER	
Jan. 12, 2016	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 11, 2016	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 22, 2015	STATEMENT OF USE PROCESSING COMPLETE	66154
Dec. 14, 2015	USE AMENDMENT FILED	66154
Dec. 14, 2015	TEAS STATEMENT OF USE RECEIVED	
Dec. 10, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 09, 2015	EXTENSION 2 GRANTED	66154
Dec. 02, 2015	EXTENSION 2 FILED	66154
Dec. 02, 2015	TEAS EXTENSION RECEIVED	
Jun. 25, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 24, 2015	EXTENSION 1 GRANTED	66154
May 29, 2015	EXTENSION 1 FILED	66154
Jun. 24, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Jun. 04, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 29, 2015	TEAS EXTENSION RECEIVED	
Dec. 02, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 08, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 07, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 07, 2014	PUBLISHED FOR OPPOSITION	
Oct. 01, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 17, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 26, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 26, 2014	ASSIGNED TO EXAMINER	85327
May 22, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	



## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jan. 11, 2016

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** RALLY HEALTH, INC.

### Assignment 1 of 2

**Conveyance:** ENTITY CONVERSION

**Reel/Frame:** [5368/0431](#)

**Pages:** 3

**Date Recorded:** Sep. 24, 2014

**Supporting Documents:** [assignment-tm-5368-0431.pdf](#)

### Assignor

**Name:** [AUDAX HEALTH SOLUTIONS, INC.](#)

**Execution Date:** May 23, 2014

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

### Assignee

**Name:** [AUDAX HEALTH SOLUTIONS, LLC](#)

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 3000 K STREET, N.W.  
SUITE 350  
WASHINGTON, DISTRICT OF COLUMBIA 20007-5109

### Correspondent

**Correspondent Name:** NORM J. RICH

**Correspondent Address:** FOLEY & LARDNER LLP  
3000 K STREET, N.W., SIXTH FLOOR  
WASHINGTON, DC 20007-5109

### Domestic Representative - Not Found

### Assignment 2 of 2

**Conveyance:** ENTITY CONVERSION

**Reel/Frame:** [5371/0941](#)

**Pages:** 8

**Date Recorded:** Oct. 01, 2014

**Supporting Documents:** [assignment-tm-5371-0941.pdf](#)

### Assignor

**Name:** [AUDAX HEALTH SOLUTIONS, LLC](#)

**Execution Date:** May 23, 2014

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

### Assignee

**Name:** [RALLY HEALTH, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 3000 K STREET, N.W.  
SUITE 350  
WASHINGTON, DISTRICT OF COLUMBIA 20007-5109

### Correspondent

**Correspondent Name:** NORM J. RICH

**Correspondent Address:** FOLEY & LARDNER LLP  
3000 K STREET, N.W., SIXTH FLOOR



# United States of America

United States Patent and Trademark Office

# RALLY

**Reg. No. 4,914,505**

**Registered Mar. 8, 2016**

**Int. Cls.: 42 and 44**

**SERVICE MARK**

**PRINCIPAL REGISTER**

RALLY HEALTH, INC. (DELAWARE CORPORATION)  
SUITE 350  
3000 K STREET, N.W.  
WASHINGTON, DC 200075109

FOR: PROVIDING AN INTERACTIVE WEB SITE FEATURING TECHNOLOGY THAT EN-  
ABLES USERS TO ENTER, ACCESS, TRACK, MONITOR AND GENERATE HEALTH AND  
MEDICAL INFORMATION AND REPORTS; PROVIDING AN INTERACTIVE WEB SITE  
THAT FEATURES TECHNOLOGY TO ENABLE USERS TO GENERATE ELECTRONIC  
REPORTS REGARDING THE OVERALL HEALTH OF CONSUMERS, IN CLASS 42 (U.S.  
CLS. 100 AND 101).

FIRST USE 8-20-2014; IN COMMERCE 8-20-2014.

FOR: PROVIDING HEALTH INFORMATION; INTERNET-BASED HEALTH CARE INFORM-  
ATION SERVICES; PROVIDING HEALTH INFORMATION TO HEALTH CARE PROVIDERS  
AND EMPLOYERS TO EMPOWER THEIR MEMBERS TO BETTER UNDERSTAND AND  
MANAGE THEIR HEALTH; PROVIDING AN INTERACTIVE WEB SITE FEATURING  
HEALTH AND MEDICAL INFORMATION, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 8-20-2014; IN COMMERCE 8-20-2014.

THE MARK CONSISTS OF THE WORD "RALLY" WITH THE "A" FORMED BY A SMALL  
INVERTED "V" SHAPE WITHIN A LARGER INVERTED "V" SHAPE.

SN 86-305,428, FILED 6-10-2014.

LINDA QUIGLEY, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

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Mark: RALLY

RALLY

US Serial Number: 86305428

Application Filing Date: Jun. 10, 2014

US Registration Number: 4914505

Registration Date: Mar. 08, 2016

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 08, 2016

Publication Date: Dec. 02, 2014

Notice of Allowance Date: Sep. 15, 2015

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## Mark Information

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Mark Literal Elements: RALLY

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word "RALLY" with the "A" formed by a small inverted "V" shape within a larger inverted "V" shape.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.17.12 - Angles (geometric); Chevrons  
27.03.01 - Geometric figures forming letters, numerals or punctuation

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Providing an interactive web site featuring technology that enables users to enter, access, track, monitor and generate health and medical information and reports; Providing an interactive web site that features technology to enable users to generate electronic reports regarding the overall health of consumers

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 20, 2014

Use in Commerce: Aug. 20, 2014

For: Providing health information; Internet-based health care information services; Providing health information to health care providers and employers to empower their members to better understand and manage their health; Providing an interactive web site featuring health and medical information

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 20, 2014

Use in Commerce: Aug. 20, 2014

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## Basis Information (Case Level)

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<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Rally Health, Inc.

**Owner Address:** Suite 350  
3000 K Street, N.W.  
Washington, DISTRICT OF COLUMBIA 200075109  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Joseph V. Myers III

**Attorney Primary Email Address:** [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** NORM J RICH  
FOLEY & LARDNER LLP  
3000 K ST NW FL 6  
WASHINGTON, DISTRICT OF COLUMBIA 20007-5109  
UNITED STATES

**Phone:** (404) 885-6743

**Fax:** (404) 892-7056

**Correspondent e-mail:** [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com)  
[tmatlanta@seyfarth.com](mailto:tmatlanta@seyfarth.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 08, 2016	REGISTERED-PRINCIPAL REGISTER	
Feb. 02, 2016	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 01, 2016	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 29, 2016	STATEMENT OF USE PROCESSING COMPLETE	71034
Dec. 14, 2015	USE AMENDMENT FILED	71034
Jan. 25, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Dec. 14, 2015	TEAS STATEMENT OF USE RECEIVED	
Sep. 15, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 05, 2015	TTAB RELEASE CASE TO TRADEMARKS	222170
Aug. 05, 2015	OPPOSITION TERMINATED NO. 999999	222170
Aug. 05, 2015	OPPOSITION DISMISSED NO. 999999	222170
Jun. 04, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 01, 2015	OPPOSITION INSTITUTED NO. 999999	222170
Dec. 15, 2014	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 02, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 02, 2014	PUBLISHED FOR OPPOSITION	
Nov. 12, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 28, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Oct. 28, 2014	ASSIGNED TO LIE	68123

Oct. 08, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 26, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 26, 2014	LETTER OF SUSPENSION E-MAILED	6332
Sep. 26, 2014	SUSPENSION LETTER WRITTEN	90333
Sep. 22, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 22, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2014	EXAMINERS AMENDMENT -WRITTEN	90333
Sep. 22, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 22, 2014	LETTER OF SUSPENSION E-MAILED	6332
Sep. 22, 2014	SUSPENSION LETTER WRITTEN	90333
Sep. 22, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 22, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2014	EXAMINERS AMENDMENT -WRITTEN	90333
Sep. 18, 2014	ASSIGNED TO EXAMINER	90333
Jun. 21, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jun. 20, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 13, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 01, 2016

## Proceedings

### Summary

**Number of Proceedings:** 2

#### Type of Proceeding: Opposition

**Proceeding Number:** [91222170](#)

**Filing Date:** Jun 01, 2015

**Status:** Terminated

**Status Date:** Aug 05, 2015

**Interlocutory Attorney:** MARY CATHERINE FAINT

#### Defendant

**Name:** Rally Health, Inc.

**Correspondent Address:** NORM J RICH  
FOLEY & LARDNER LLP  
3000 K ST NW FL 6  
WASHINGTON DC , 20007-5109  
UNITED STATES

**Correspondent e-mail:** [IPDocketing@foley.com](mailto:IPDocketing@foley.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
RALLY	Registered	<a href="#">86305428</a>	<a href="#">4914505</a>

#### Plaintiff(s)

**Name:** RedBrick Health Corporation

**Correspondent Address:** MARTHA J ENGEL  
WINTHROP & WEINSTINE PA  
225 SOUTH SIXTH STREET, SUITE 3500  
MINNEAPOLIS MN , 55402  
UNITED STATES

**Correspondent e-mail:** [trademark@winthrop.com](mailto:trademark@winthrop.com) , [mengel@winthrop.com](mailto:mengel@winthrop.com) , [jbriley@winthrop.com](mailto:jbriley@winthrop.com) , [nwitzany@winthrop.com](mailto:nwitzany@winthrop.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number

RALLY

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 01, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 01, 2015	Jul 11, 2015
3	PENDING, INSTITUTED	Jun 01, 2015	
4	STIP FOR EXT	Jul 13, 2015	
5	D MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Jul 23, 2015	
6	W/DRAW OF OPPOSITION	Aug 04, 2015	
7	BD DECISION: DISMISSED W/ PREJ	Aug 05, 2015	
8	TERMINATED	Aug 05, 2015	

**Type of Proceeding: Extension of Time**

Proceeding Number: [86305428](#)

Filing Date: Dec 15, 2014

Status: Terminated

Status Date: Jun 01, 2015

Interlocutory Attorney:

**Defendant**

Name: Rally Health, Inc.

Correspondent Address: NORM J. RICH  
FOLEY & LARDNER LLP  
3000 K ST NW FL 6  
WASHINGTON DC , 20007-5109

Associated marks			
Mark	Application Status	Serial Number	Registration Number

RALLY Registered [86305428](#) [4914505](#)

**Potential Opposer(s)**

Name: RedBrick Health Corporation

Correspondent Address: Martha J. Engel  
Winthrop & Weinstine, P.A.  
225 South Sixth Street, Suite 3500  
Minneapolis MN , 55402  
UNITED STATES

Correspondent e-mail: [trademark@winthrop.com](mailto:trademark@winthrop.com) , [mengel@winthrop.com](mailto:mengel@winthrop.com) , [jbriley@winthrop.com](mailto:jbriley@winthrop.com) , [nwitzany@winthrop.com](mailto:nwitzany@winthrop.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 15, 2014	
2	EXTENSION OF TIME GRANTED	Dec 15, 2014	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jan 28, 2015	
4	EXTENSION OF TIME GRANTED	Jan 29, 2015	
5	INCOMING - EXT TIME TO OPPOSE FILED	Mar 30, 2015	
6	EXTENSION OF TIME GRANTED	Mar 30, 2015	

# United States of America

United States Patent and Trademark Office

## RALLY

**Reg. No. 5,275,329**

Rally Health, Inc. (DELAWARE CORPORATION)  
3000 K Street, N.W., Suite 350  
Washington D.C., DC 200075109

**Registered Aug. 29, 2017**

**Int. Cl.: 9**

CLASS 9: Downloadable mobile applications to enable users to enter, access, track, monitor and generate health and medical information and reports

**Trademark**

FIRST USE 7-1-2015; IN COMMERCE 7-1-2015

**Principal Register**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4914505, 4902473

SER. NO. 87-293,193, FILED 01-09-2017  
PHILIP HUAI-EN LIU, EXAMINING ATTORNEY



*Joseph Matal*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office



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Mark: RALLY

# RALLY

US Serial Number: 87293193

Application Filing Date: Jan. 09, 2017

US Registration Number: 5275329

Registration Date: Aug. 29, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 29, 2017

Publication Date: Jun. 13, 2017

## Mark Information

Mark Literal Elements: RALLY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 4902473, 4914505

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Downloadable mobile applications to enable users to enter, access, track, monitor and generate health and medical information and reports

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 01, 2015

Use in Commerce: Jul. 01, 2015

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No  
Filed No Basis: No

Currently 66A: No  
Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** Rally Health, Inc.  
**Owner Address:** 3000 K Street, N.W., Suite 350  
Washington D.C., DISTRICT OF COLUMBIA UNITED STATES 200075109  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Julia K. Sutherland  
**Attorney Primary Email Address:** [TMAtlanta@seyfarth.com](mailto:TMAtlanta@seyfarth.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** JULIA K. SUTHERLAND  
SEYFARTH SHAW LLP  
131 SOUTH DEARBORN ST., SUITE 2400  
CHICAGO, ILLINOIS UNITED STATES 60603-5577  
**Phone:** 312-460-5577 **Fax:** 312-460-7577  
**Correspondent e-mail:** [TMAtlanta@seyfarth.com](mailto:TMAtlanta@seyfarth.com) [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com) **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 29, 2017	REGISTERED-PRINCIPAL REGISTER	
Jun. 13, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 13, 2017	PUBLISHED FOR OPPOSITION	
May 24, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 18, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 07, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 07, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 07, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 07, 2017	EXAMINERS AMENDMENT -WRITTEN	92994
Apr. 03, 2017	ASSIGNED TO EXAMINER	92994
Jan. 14, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 12, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Aug. 29, 2017

# United States of America

United States Patent and Trademark Office

## RALLY CONNECT

**Reg. No. 5,202,685**

**Registered May 16, 2017**

**Int. Cl.: 42, 44**

**Service Mark**

**Principal Register**

Rally Health, Inc. (DELAWARE CORPORATION)  
Suite 350  
3000 K Street N.W.  
Washington, DC 20007

CLASS 42: Providing a website featuring technology which allows a consumer to utilize a health care cost estimator and to search for doctors

FIRST USE 11-12-2015; IN COMMERCE 11-12-2015

CLASS 44: Health care services, namely, providing medical information regarding health care professionals, and doctors; Providing a website featuring information about health and wellness, namely, doctor information; Providing health care information by Internet and mobile application

FIRST USE 11-12-2015; IN COMMERCE 11-12-2015

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "CONNECT"

SER. NO. 86-830,392, FILED 11-24-2015  
CAIT WATTS-FITZGERALD, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

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Mark: RALLY CONNECT

RALLY CONNECT

US Serial Number: 86830392

Application Filing Date: Nov. 24, 2015

US Registration Number: 5202685

Registration Date: May 16, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 16, 2017

Publication Date: Feb. 28, 2017

## Mark Information

Mark Literal Elements: RALLY CONNECT

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CONNECT"

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Providing a website featuring technology which allows a consumer to utilize a health care cost estimator and to search for doctors

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 12, 2015

Use in Commerce: Nov. 12, 2015

For: Health care services, namely, providing medical information regarding health care professionals, and doctors; Providing a website featuring information about health and wellness, namely, doctor information; Providing health care information by Internet and mobile application

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 12, 2015

Use in Commerce: Nov. 12, 2015

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No  
Filed No Basis: No

Currently 66A: No  
Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** Rally Health, Inc.  
**Owner Address:** Suite 350  
3000 K Street N.W.  
Washington, DISTRICT OF COLUMBIA 20007  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Bart A. Lazar  
**Attorney Primary Email Address:** [blazar@seyfarth.com](mailto:blazar@seyfarth.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** BART A. LAZAR  
Seyfarth Shaw LLP  
131 South Dearborn St., Suite 2400  
Chicago, ILLINOIS 60603-5577  
UNITED STATES  
**Phone:** 3124605577  
**Fax:** 3124605577  
**Correspondent e-mail:** [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com) [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 16, 2017	REGISTERED-PRINCIPAL REGISTER	
Feb. 28, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 28, 2017	PUBLISHED FOR OPPOSITION	
Feb. 08, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 26, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jan. 18, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 12, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Jan. 12, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Jan. 12, 2017	ASSIGNED TO LIE	66121
Dec. 12, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 12, 2016	NOTICE OF REVIVAL - E-MAILED	
Dec. 12, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 12, 2016	PETITION TO REVIVE-GRANTED	88889
Dec. 12, 2016	TEAS PETITION TO REVIVE RECEIVED	
Oct. 17, 2016	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Oct. 17, 2016	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Mar. 16, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 16, 2016	NON-FINAL ACTION E-MAILED	6325
Mar. 16, 2016	NON-FINAL ACTION WRITTEN	89010
Mar. 16, 2016	ASSIGNED TO EXAMINER	89010
Nov. 30, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 27, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 16, 2017

# United States of America

United States Patent and Trademark Office

## RALLY HEALTH

**Reg. No. 5,200,257**

**Registered May 09, 2017**

**Int. Cl.: 38, 42, 44**

**Service Mark**

**Principal Register**

Rally Health, Inc. (DELAWARE CORPORATION)  
Suite 350  
3000 K Street, N.W.  
Washington, DC 200075109

CLASS 38: Providing access to an electronic exchange of medical records across a nationwide health information network

FIRST USE 8-20-2014; IN COMMERCE 8-20-2014

CLASS 42: Providing an interactive web site featuring technology that enables users to enter, access, track, monitor and generate health and medical information and reports; providing an interactive web site that features technology to enable users to generate electronic reports regarding the overall health of consumers

FIRST USE 8-20-2014; IN COMMERCE 8-20-2014

CLASS 44: Providing health information; Internet-based health care information services; providing health information to health care providers and employers to empower their members to better understand and manage their health; providing an interactive web site featuring health and medical information

FIRST USE 8-20-2014; IN COMMERCE 8-20-2014

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "HEALTH"

SER. NO. 86-304,383, FILED 06-09-2014  
JAMES B NEVILLE, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

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Mark: RALLY HEALTH

RALLY HEALTH

US Serial Number: 86304383

Application Filing Date: Jun. 09, 2014

US Registration Number: 5200257

Registration Date: May 09, 2017

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 09, 2017

Publication Date: Dec. 02, 2014

Notice of Allowance Date: Sep. 22, 2015

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## Mark Information

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Mark Literal Elements: RALLY HEALTH

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "HEALTH"

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Providing access to an electronic exchange of medical records across a nationwide health information network

**International Class(es):** 038 - Primary Class

**U.S Class(es):** 100, 101, 104

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 20, 2014

**Use in Commerce:** Aug. 20, 2014

**For:** Providing an interactive web site featuring technology that enables users to enter, access, track, monitor and generate health and medical information and reports; providing an interactive web site that features technology to enable users to generate electronic reports regarding the overall health of consumers

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 20, 2014

**Use in Commerce:** Aug. 20, 2014

**For:** Providing health information; Internet-based health care information services; providing health information to health care providers and employers to empower their members to better understand and manage their health; providing an interactive web site featuring health and medical information

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 20, 2014

**Use in Commerce:** Aug. 20, 2014



## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Rally Health, Inc.  
**Owner Address:** Suite 350  
3000 K Street, N.W.  
Washington, DISTRICT OF COLUMBIA 200075109  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Joseph V. Myers III  
**Attorney Primary Email Address:** [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Joseph V. Myers III  
Seyfarth Shaw LLP  
1075 Peachtree Street NE  
Suite 2500  
Atlanta, GEORGIA 30309  
UNITED STATES  
**Phone:** (404) 885-6743  
**Fax:** (404) 892-7056  
**Correspondent e-mail:** [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com)  
[tmatlanta@seyfarth.com](mailto:tmatlanta@seyfarth.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 09, 2017	REGISTERED-PRINCIPAL REGISTER	
Apr. 05, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 04, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 20, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 19, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 19, 2017	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jan. 24, 2017	ASSIGNED TO EXAMINER	76737
Nov. 02, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 02, 2016	FINAL REFUSAL E-MAILED	
Nov. 02, 2016	SU - FINAL REFUSAL - WRITTEN	90333
Oct. 20, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Oct. 20, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Oct. 18, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 18, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Apr. 18, 2016	NON-FINAL ACTION E-MAILED	
Apr. 18, 2016	SU - NON-FINAL ACTION - WRITTEN	90333
Apr. 09, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Apr. 08, 2016	STATEMENT OF USE PROCESSING COMPLETE	65362
Apr. 08, 2016	EXTENSION 1 GRANTED	65362
Feb. 26, 2016	EXTENSION 1 FILED	65362
Feb. 26, 2016	USE AMENDMENT FILED	65362
Mar. 30, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Feb. 26, 2016	TEAS EXTENSION RECEIVED	
Feb. 26, 2016	TEAS STATEMENT OF USE RECEIVED	
Sep. 22, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 08, 2015	TTAB RELEASE CASE TO TRADEMARKS	222171
Aug. 08, 2015	OPPOSITION TERMINATED NO. 999999	222171
Aug. 08, 2015	OPPOSITION DISMISSED NO. 999999	222171
Jun. 04, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 04, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 01, 2015	OPPOSITION INSTITUTED NO. 999999	222171
Dec. 15, 2014	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 02, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 02, 2014	PUBLISHED FOR OPPOSITION	
Nov. 12, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 28, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Oct. 28, 2014	ASSIGNED TO LIE	68123
Oct. 08, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 26, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 26, 2014	LETTER OF SUSPENSION E-MAILED	6332
Sep. 26, 2014	SUSPENSION LETTER WRITTEN	90333
Sep. 22, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 22, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2014	EXAMINERS AMENDMENT -WRITTEN	90333
Sep. 22, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 22, 2014	LETTER OF SUSPENSION E-MAILED	6332
Sep. 22, 2014	SUSPENSION LETTER WRITTEN	90333
Sep. 22, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 22, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2014	EXAMINERS AMENDMENT -WRITTEN	90333
Sep. 18, 2014	ASSIGNED TO EXAMINER	90333
Jun. 19, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 12, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Apr. 04, 2017

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Opposition

**Proceeding Number:** [91222171](#)

**Filing Date:** Jun 01, 2015

**Status:** Terminated

**Status Date:** Aug 08, 2015

**Interlocutory Attorney:** BENJAMIN U OKEKE

**Defendant**

**Name:** Rally Health, Inc.

**Correspondent Address:** NORM J RICH  
FOLEY & LARDNER LLP  
3000 K ST NW FL 6  
WASHINGTON DC , 20007-5109  
UNITED STATES

**Correspondent e-mail:** [IPDocketing@foley.com](mailto:IPDocketing@foley.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RALLY HEALTH	Registered	<a href="#">86304383</a>	<a href="#">5200257</a>

**Plaintiff(s)**

**Name:** RedBrick Health Corporation

**Correspondent Address:** MARTHA J ENGEL  
WINTHROP & WEINSTINE PA  
225 SOUTH SIXTH STREET, SUITE 3500  
MINNEAPOLIS MN , 55402  
UNITED STATES

**Correspondent e-mail:** [trademark@winthrop.com](mailto:trademark@winthrop.com) , [mengel@winthrop.com](mailto:mengel@winthrop.com) , [jbriley@winthrop.com](mailto:jbriley@winthrop.com) , [nwitzany@winthrop.com](mailto:nwitzany@winthrop.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RALLY			

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 01, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 01, 2015	Jul 11, 2015
3	PENDING, INSTITUTED	Jun 01, 2015	
4	STIP FOR EXT	Jul 13, 2015	
5	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 23, 2015	
6	W/DRAW OF OPPOSITION	Aug 04, 2015	
7	BD DECISION: DISMISSED W/ PREJ	Aug 08, 2015	
8	TERMINATED	Aug 08, 2015	

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [86304383](#)      **Filing Date:** Dec 15, 2014  
**Status:** Terminated      **Status Date:** Jun 01, 2015  
**Interlocutory Attorney:**

**Defendant**

**Name:** Rally Health, Inc.

**Correspondent Address:** NORM J. RICH  
FOLEY & LARDNER LLP  
3000 K ST NW FL 6  
WASHINGTON DC , 20007-5109

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RALLY HEALTH	Registered	<a href="#">86304383</a>	<a href="#">5200257</a>

**Potential Opposer(s)**

**Name:** RedBrick Health Corporation

**Correspondent Address:** Martha J. Engel  
Winthrop & Weinstine, P.A.  
225 South Sixth Street, Suite 3500  
Minneapolis MN , 55402  
UNITED STATES

**Correspondent e-mail:** [trademark@winthrop.com](mailto:trademark@winthrop.com) , [mengel@winthrop.com](mailto:mengel@winthrop.com) , [jbriley@winthrop.com](mailto:jbriley@winthrop.com) , [nwitzany@winthrop.com](mailto:nwitzany@winthrop.com)

**Associated marks**

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
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**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 15, 2014	
2	EXTENSION OF TIME GRANTED	Dec 15, 2014	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jan 28, 2015	
4	EXTENSION OF TIME GRANTED	Jan 28, 2015	
5	INCOMING - EXT TIME TO OPPOSE FILED	Mar 30, 2015	
6	EXTENSION OF TIME GRANTED	Mar 30, 2015	

# United States of America

United States Patent and Trademark Office

## RALLY CHOICE

**Reg. No. 5,174,311**

**Registered Apr. 04, 2017**

**Int. Cl.: 35, 36, 42**

**Service Mark**

**Principal Register**

Rally Health, Inc. (DELAWARE CORPORATION)  
Suite 350  
3000 K Street, N.W.  
Washington, DC 200075109

CLASS 35: Providing a website featuring information in the field of health care costs

FIRST USE 7-21-2015; IN COMMERCE 7-21-2015

CLASS 36: Providing a website featuring information in the field of health care benefit plans and health care insurance

FIRST USE 7-21-2015; IN COMMERCE 7-21-2015

CLASS 42: Providing an interactive website featuring technology that allows users to research and enroll in health care benefit plans

FIRST USE 7-21-2015; IN COMMERCE 7-21-2015

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-879,150, FILED 01-19-2016  
CAIT WATTS-FITZGERALD, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

Generated on: This page was generated by TSDR on 2018-01-26 16:44:08 EST

Mark: RALLY CHOICE

RALLY CHOICE

US Serial Number: 86879150

Application Filing Date: Jan. 19, 2016

US Registration Number: 5174311

Registration Date: Apr. 04, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 04, 2017

Publication Date: Jan. 17, 2017

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## Mark Information

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Mark Literal Elements: RALLY CHOICE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Providing a website featuring information in the field of health care costs

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2015

Use in Commerce: Jul. 21, 2015

For: Providing a website featuring information in the field of health care benefit plans and health care insurance

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2015

Use in Commerce: Jul. 21, 2015

For: Providing an interactive website featuring technology that allows users to research and enroll in health care benefit plans

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2015

Use in Commerce: Jul. 21, 2015

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## Basis Information (Case Level)

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<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Rally Health, Inc.

**Owner Address:** Suite 350  
3000 K Street, N.W.  
Washington, DISTRICT OF COLUMBIA 200075109  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Joseph V. Myers III

**Attorney Primary Email Address:** [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** JOSEPH V. MYERS III  
SEYFARTH SHAW LLP  
1075 PEACHTREE ST NE  
SUITE 2500  
ATLANTA, GEORGIA 30309  
UNITED STATES

**Phone:** 404-885-6743

**Fax:** 404-885-1500

**Correspondent e-mail:** [chiipdocket@seyfarth.com](mailto:chiipdocket@seyfarth.com)  
[tmatlanta@seyfarth.com](mailto:tmatlanta@seyfarth.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Apr. 04, 2017	REGISTERED-PRINCIPAL REGISTER	
Jan. 17, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 17, 2017	PUBLISHED FOR OPPOSITION	
Dec. 28, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 12, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 10, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 09, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 09, 2016	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Oct. 06, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Oct. 06, 2016	FINAL REFUSAL E-MAILED	
Oct. 06, 2016	FINAL REFUSAL WRITTEN	89010
Sep. 16, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 16, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 16, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 16, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 16, 2016	NON-FINAL ACTION E-MAILED	6325
Mar. 16, 2016	NON-FINAL ACTION WRITTEN	89010
Mar. 16, 2016	ASSIGNED TO EXAMINER	89010
Jan. 22, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 22, 2016	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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TM Staff Information - None  
File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Apr. 04, 2017